



June 13, 2022

**BY ECF**

Honorable Naomi Reice Buchwald  
United States District Judge  
United States Courthouse  
500 Pearl Street, Room 2270  
New York, NY 10007

Re: **Second Notice of Supplement Authority - *Simcha Feldman et al. v. Yechezkel Strulovich et al.*, 20-cv-7270-NRB**

Dear Judge Buchwald,

My office represents defendants 1428 Fulton St. LLC (“**1428 Fulton**”) and Fulton Street Holdings LLC (“**FSH**,” and with 1428 Fulton, “**Fulton Defendants**”). Earlier this year, I wrote to inform Your Honor of a decision in the Kings County Supreme Court granting defendants’ motion to dismiss in the case captioned *Zwebner et al. v. Strulovitch et al.*, No. 530498/2021 (Sup. Ct., Kings County) (“**Zwebner Action**”). Dkt No. 113. While the *Zwebner* Action involves a different group of plaintiffs (albeit represented by the same counsel), it involves the same claims, based on the same set of facts, against the same group of defendants in this action. In that decision, Justice Leon Ruchelsman dismissed all causes of action against the moving defendants (including the Fulton Defendants) and vacated the notices of pendency against their properties. *Id.*

I write to update the Court. The *Zwebner* plaintiffs moved to reargue Justice Ruchelsman’s decision in part and reinstate their unjust enrichment claims against the moving defendants. Today, Justice Ruchelsman denied plaintiffs’ reargument motion in another decision and order. A copy of the decision is attached to this letter.

As explained in my February 14, 2022 letter (Dkt No. 113. ), the original *Zwebner* decision — and now this reargument decision — bears directly on several of the defendants’ fully briefed dismissal motions pending before Your Honor. *See* Dkt Nos. 70, 76, 80. The Fulton Defendants again submit that this Court should dismiss the Third Amended Complaint and vacate the notice of pendency on 1426-1432 Fulton Street in Brooklyn, New York (“**Fulton Property**”) for (i) the reasons explained by Justice Ruchelsman; and (ii) the reasons set forth in the Fulton Defendants’ motion to dismiss..

As always, I thank the Court for its time and attention to this matter.

Respectfully Submitted,

/s/ Gregory O. Tuttle

Gregory O. Tuttle

Encl.